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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: John A. Lowe

Examiner: Cybille Delacroix-Muirheid

APPLICATION NO.: 09/007,268

Group Art Unit: 1654

FILING DATE: January 14, 1998

TITLE: Fluoroalkoxybenzylamino Derivatives
of Nitrogen Containing Heterocycles

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Reply with Amendment

Preliminary Remarks

The present Reply with Amendment is in response to the Examiner's Official Action herein of October 25, 1999 and also the Examiner's further Communication of July 26, 2000. The present application is a continuation of U.S. Serial No. 08/167,881, filed May 5, 1992 (ex-PCT/US92/03571). On June 30, 1998, the '881 application issued as U.S. Patent 5,773,450, containing claims 1-25, all directed to compounds *per se* wherein group Q (formula I) is option VII.

The Restriction/Election Requirement(s)

Upon careful review of the Restriction/Election requirement of June 17, 1999 which replaced, in part, the earlier Action of March 18, 1999, it appears that the group of claims presently under consideration is slightly different than that apparently entitled to consideration. The group entitled to consideration is as follows.

"Applicant elects the claims of Group II, that is, Nos. 1-25 (compounds); 26, 28, 30 (pharmaceutical composition); and 27, 29, and 31 (method of treatment/antagonizing effects of substance P; however, all where group "Q" as defined in claim 1 is option VII."

"With respect to election of a specific chemical species, Applicant elects the species of claim 9, that is, (2S, 3S)-3-(2-methoxy-5-trifluoromethoxybenzyl)-amino-2-